

On December 1, 1949, the court amended the above opinion as follows:

CLIFFORD, *District Judge*: "The Opinion and Order of the Court filed in the above-entitled matter on November 16, 1949, is hereby amended by deleting so much of the first paragraph on Page six of said Opinion and Order as reads, 'that it cannot be masticated and swallowed by the average, normal person,' and by inserting in lieu thereof, the following: 'that the average, normal person, under ordinary conditions, would not chew and swallow it.'"

On November 24, 1952, the claimant having failed to pursue the matter further, judgment of condemnation was entered and the court ordered that the product be destroyed.

**19371. Adulteration of frozen blowfish tails. U. S. v. 52 Cartons \* \* \*. (F. D. C. No. 33290. Sample No. 23238-L.)**

**LIBEL FILED:** June 13, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about May 19, 1952, by N. B. Riggin, from Crisfield, Md.

**PRODUCT:** 52 5-pound cartons of frozen blowfish tails at New York, N. Y.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish tails.

**DISPOSITION:** August 29, 1952. Default decree of condemnation and destruction.

**19372. Adulteration of frozen cod fillets. U. S. v. 1,937 Cases \* \* \*. (F. D. C. No. 33293. Sample No. 49199-L.)**

**LIBEL FILED:** June 13, 1952, Southern District of New York.

**ALLEGED SHIPMENT:** On or about March 15, 1952, by the Wylax Canning Co., from Woudrichem, Holland.

**PRODUCT:** 1,937 25-pound cases of frozen cod fillets at New York, N. Y.

**LABEL, IN PART:** "Wylax Brand Single Frozen Cod-Fillets."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish.

**DISPOSITION:** September 18, 1952. Stamm-Schulman & Co., New York, N. Y., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the court ordered that the product be released under bond, for the segregation of the fit from the unfit portion, under the supervision of the Federal Security Agency.

1,969 cases of the product actually were seized. Salvaging operations involving 430 cases resulted in the segregation of 5,340 pounds of the product as fit for human consumption and in the destruction of 2,759 pounds. No further salvaging operations were attempted on the remaining 1,539 cases, and this portion of the product was destroyed.

**19373. Adulteration of canned kipper snacks. U. S. v. 74 Cases \* \* \*. (F. D. C. No. 33409. Sample No. 29666-L.)**

**LIBEL FILED:** June 23, 1952, District of Montana.

**ALLEGED SHIPMENT:** On or about April 10, 1952, from Galewood, Ill.

**PRODUCT:** 74 cases, each containing 50 3¼-ounce cans, of kipper snacks at Great Falls, Mont.

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish. The product was adulterated while held for sale after shipment in interstate commerce.

**DISPOSITION:** August 8, 1952. Default decree of condemnation and destruction.

**19374. Adulteration of spiced prawns. U. S. v. 8 Cases \* \* \*. (F. D. C. No. 33434. Sample No. 28216-L.)**

**LIBEL FILED:** July 1, 1952, Northern District of California.

**ALLEGED SHIPMENT:** On or about October 16 and 22, 1951, from Portland, Oreg.

**PRODUCT:** 8 cases, each containing 12 13-ounce jars, of spiced prawns at Sacramento, Calif.

**LABEL, IN PART:** (Jars) "Ocean Beauty Brand Spiced Prawns."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a decomposed substance.

**DISPOSITION:** October 13, 1952. Default decree of condemnation and destruction.

**19375. Adulteration of canned tuna. U. S. v. 166 Cases \* \* \*. (F. D. C. No. 33170. Sample Nos. 5382-L, 6324-L.)**

**LIBEL FILED:** April 15, 1952, District of Massachusetts.

**ALLEGED SHIPMENT:** On or about February 4, 1952, by Wilbur-Ellis Co., Inc., from Brooklyn, N. Y.

**PRODUCT:** 166 cases, each containing 48 7-ounce cans, of tuna at Worcester, Mass.

**LABEL, IN PART:** "Light [or "White Meat"] Tuna Fish. Product of Peru Fancy Sweet Life."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance by reason of the presence of decomposed fish; and, Section 402 (b) (2), bonito had been substituted in part for tuna.

**DISPOSITION:** January 19, 1953. Default decree of condemnation and destruction.

**19376. Adulteration of whitefish. U. S. v. Approximately 585 Pounds \* \* \*. (F. D. C. No. 33431. Sample No. 35939-L.)**

**LIBEL FILED:** June 27, 1952, Northern District of Ohio.

**ALLEGED SHIPMENT:** On or about June 14, 1952, by Straker-Gross, Inc., from Montreal, Canada.

**PRODUCT:** Approximately 585 pounds of whitefish in 11 boxes at Cleveland, Ohio.

**LABEL, IN PART:** (Box) "Product of Canada. L. H. Durfey Wabigoon Lake Dressed White Fish" or "Hanson Bros., Eagle Lake, Ont. Dr. White Fish."

**NATURE OF CHARGE:** Adulteration, Section 402 (a) (3), the article consisted in whole or in part of a filthy substance by reason of the presence of parasitic worms.

**DISPOSITION:** October 28, 1952. Default decree of condemnation and destruction.